

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants(s) : ANDERSEN et al.
U.S. Serial No.: 09/805,427
Filing Date : March 13, 2001
For: : HYBRIDS OF M. TUBERCULOSIS ANTIGENS
Examiner : Rodney P. Swartz, Ph.D.
Art Unit : 1645

CC SEP 30 11 5:15

H/19
GM
10/14/03

745 Fifth Avenue,
New York, NY 10151

**REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION
OR OF AT LEAST FINALITY THEREOF OR FOR AN INTERVIEW**

Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450
BY HAND
ATTENTION: SPE Lynette Smith
Dear Sir:

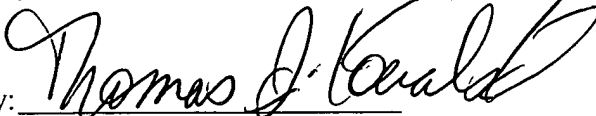
An IDS citing Walsh, G.P. et al., Nature Medicine 2(4):430-436, April 1996, was filed July 16, 2003; and, a copy thereof is attached. A September 9, 2003 Final Office Action issued, which does not appear to address Walsh. Accordingly, it is respectfully submitted that it appears that the September 9, 2003 final Office Action is *prima facie* incomplete.

Therefore, it seems that finality is improper and should be withdrawn, and that a new non-Final Office Action, should be issued.

Thus, reconsideration and withdrawal of the September 9, 2003 Final Office Action, or at least finality thereof, or at the very least for an interview with the view towards reaching agreement on allowable subject matter, is respectfully requested, with any fee therefor, or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320; and, the Examiner and SPE Lynette Smith invited to telephonically contact the undersigned.

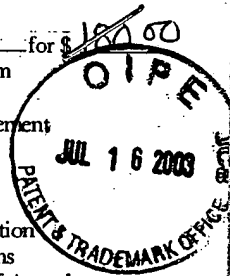
Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: 

THOMAS J. KOWALSKI, Reg. No. 32,147
Tel (212) 588-0800, Fax (212) 588-0500

Serial No. 09/809,427 File No. 670001-2002.5 By DKS
Title In the Matter of the Application of ANDERSEN ET AL.
The following due _____ in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration
☐ Amendment
☐ Preliminary Amendment
☐ Amendment After Final Rejection
☐ Request for Extension of Time
☐ Provisional Patent Application
☐ Application for Patent, including
____ Pages Specification ____ Claims
☐ Declaration ☐ Oath ☐ Power
☐ Request for Filing Continuation or Divisional
Application ____ sheets, in duplicate
☐ File Wrapper Continuation Patent Application
____ sheets, in duplicate
☐ PCT Request ____ sheets, including
☐ Transmittal Letter to the US/RO
☐ Assignment ☐ Recordation Cover Sheet
☐ Express Mail Mailing Certificate
☐ (separate sheet)
☒ Check No. 21396 for \$ 180.00
☐ Deposit Account Order Form
☐ Drawing ____ Sheet(s)
☐ Information Disclosure Statement
☒ PTO Form 1449
☐ Issue Fee Transmittal
☐ Brief ☐ Letter
☐ Application for TM Registration
Including ____ Specimens
☐ Status Request ☐ Notice of Appeal
☐ Petition ☐ Response
☐ Priority Document
☐ Small Entity Declaration
☒ COMMUNICATION AND INFORMATION
DISCLOSURE STATEMENT
(W. ATTACHMENTS)
EXPRESS MAIL
EV 287823737ds 7.16.03

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☐ (separate sheet)
☒ Check No. 21396 for \$ 180.00
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☐ Drawing ____ Sheet(s)
☐ Information Disclosure Statement
☒ PTO Form 1449
☐ Issue Fee Transmittal
☐ Brief ☐ Letter
☐ Application for TM Registration
Including ____ Specimens
☐ Status Request ☐ Notice of Appeal
☐ Petition ☐ Response
☐ Priority Document
☐ Small Entity Declaration
☒ COMMUNICATION AND INFORMATION
DISCLOSURE STATEMENT
(W. ATTACHMENTS)
EXPRESS MAIL
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FROMMER LAWRENCE & HAUG LLP

745 FIFTH AVENUE
NEW YORK, NY 10151

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COMMISSIONER OF PATENTS AND TRADEMARKS

\$ 180.00

THE SUM OF 180 DOLLARS

DOLLARS

CITIBANK N.A.
Private Banking Division
153 EAST 53RD STREET, 20th FL
NEW YORK, NY 10043

FROMMER LAWRENCE & HAUG LLP

Thomas J. Frommer

CHARGE ANY ADDITIONAL FEES TO DEPOSIT ACCT. #50-0320

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DETACH AND RETAIN THIS STATEMENT

FROMMER LAWRENCE & HAUG LLP

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

APPLICANT

WARREN ETAL

SERIAL NO.

091802421

FILE & DOCKET NO.

61000-20029

TITLE

HYPKID OF M. TUBERCULOSIS ANTIGENS

☐ APPEAL BRIEF

☐ APPEAL FEE

☐ CERTIFICATE OF CORRECTION

☐ DISCLAIMER

☐ EXTENSION OF TIME

☐ FEE FOR ADDED CLAIMS

☐ FILING FEE

☐ ISSUE FEE

☐ MAINTENANCE FEE

☐ MISSING PARTS

☐ NOTICE OF OPPOSITION

☒ PLEASE CHARGE ANY ADDITIONAL FEES OR CREDIT OVER PAYMENT TO DEPOSIT ACCOUNT NO. 50-0320

☐ PETITION FEE

☐ PETITION FOR CANCELLATION

☐ PETITION TO REVIVE

☐ RECORDING FEE

☐ REQUEST FOR ORAL HEARING

☐ SEC. 18 TM DECLARATION FEE

☐ STATEMENT OF USE

☐ TM RENEWAL

☒ ENTRY

CHARGE TO

NAME OF CLIENT OR ACCOUNT

FILE NO.

ATTORNEY

AMOUNT

Pay

180.00